

## FACSIMILE COVER SHEET

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**TO : EXAMINER TODD WARE**

**GROUP : 1615**

**FAX NUMBER : 1-703-746-3161**

**ATTORNEY DOCKET NO : BDA-0038**

**SERIAL NO : 09/177,885**

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**MESSAGE :**

Dear Examiner Ware:

Following is an amended claim set for your consideration.

We believe the amendments to the claims clearly address the concern that in the current pending claims the prodrug complex could still contain a csDBM. Specifically, we have now stated in step (c) of claim 34 that the prodrug complex consists essentially of the identified drug specifically bound to the selected synthetic receptor. With this amendment the claimed prodrug complex clearly cannot contain the essential csDBM feature of Morgan. The term "comprising" has also been deleted from claim 37. By amending the claims in this fashion as opposed to your suggested amendment, we do not create an independent claim from which claims such as pending claim 35 can no longer depend.

We have also amended claims 36 and 39 as requested to describe the second prodrug complex. Additional amendments to claim 34 such as changes to the

preamble and removal of step (d) were made to conform with changes to claims 36 and 39 addressing concerns of indefiniteness of the second product complexes.

No new matter is added by any of these amendments.

Thank you very much for considering the attached draft claim set and working with us to obtain an allowable set of claims.

Best regards,  
Kathleen A. Tyrrell

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If you have any questions, or did not receive the proper number of pages, or had trouble during transmission, please call 856-810-1515.

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